



United States Senate

November 19, 2018

Pat Cipollone
Office of the White House Counsel
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. Cipollone,

We write to follow up on our previous letter dated October 19, 2018, whereby we requested that the White House work with us to reach an agreement on a consensus package of nominees for vacancies to the Ninth Circuit and to the district court vacancies in the Central and Southern Districts of California.

In our October 19th letter, we stated our readiness to engage in discussions so that we could reach a bipartisan agreement. Since that letter, we have gone through the midterm elections, and two additional district court vacancies have arisen. At this moment, there are currently three Ninth Circuit vacancies based in California; seven vacancies in the Central District of California; and four vacancies in the Southern District of California.

We do not know if you have assumed the position of White House Counsel yet, but we are writing to follow up post-election to reaffirm our willingness to engage in such discussions once you are prepared to do so.

In our previous letter, we indicated that we would be prepared to accept the following potential offers for a package to the Ninth Circuit: James Rogan from the White House's list, Judge Lucy Koh from our list of recommended candidates, and a third candidate to be further agreed upon.

In the alternative, we would also be willing to work with your office on an agreement similar to one that the White House struck with Senators Durbin and Duckworth. As you know, in that case each party selected one candidate from the other party's list for the Circuit to fill two vacancies. For the Ninth Circuit where there are three vacancies, this would involve our selecting a candidate from the

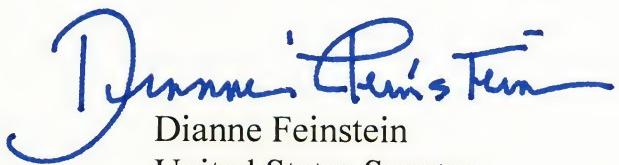
White House list; the White House selecting a candidate from our list for the Ninth Circuit; and further discussions on a third nominee that both parties would agree upon.

The Ninth Circuit negotiations would also be part of a broader package that would also fill vacancies to our district courts in the Central and Southern Districts of California. Our respective judicial commissions have interviewed numerous candidates to these vacancies – including those suggested by the White House. We believe that we could agree upon some set of nominees that would be agreeable to all parties involved.

While we continue to oppose the slate of nominees the White House put forward on October 10, we remain hopeful that you will work with us to reach a bipartisan agreement in a timely manner.

Thank you for your consideration.

Sincerely,



Dianne Feinstein
United States Senator



Kamala D. Harris
United States Senator

cc: Charles Grassley, Chairman, U.S. Senate Committee on the Judiciary
Lindsey Graham, U.S. Senate Committee on the Judiciary